#### PATENT COOPERATION TRE PCT

REC'D	18	APR	2005

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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

22 JUL 2005

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Applicant's or agent's file reference 96 641 a/ubr	FOR FURTHER ACTION See Preli	Notification of Transmittal of International iminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/EP 03/00850	International filing date (day/month/year, 28.01.2003	r) Priority date (day/month/year)
International Patent Classification (IPH04L12/56	C) or both national classification and IPC	28.01.2003
2. This REPORT consists of a t	v examination report has been prepared by to the applicant according to Article 36.  Otal of 5 sheets, including this cover sheet.  Impanied by ANNEXES, i.e. sheets of the detection 607 of the Administrative Instructions	200vinting 1
This report contains indication  I 🖾 Basis of the opinio  II 🗀 Priority	s relating to the following items:	
III   Non-establishment	of opinion with regard to novelty, inventive sention	step and industrial applicability
V ☐ Lack of unity of involved V ☐ Reasoned stateme citations and explain	ention at under Rule 66.2(a)(li) with regard to nove	lty, inventive step or industrial applicability;
- Certain documents	cited	industrial applicability;
VII Certain defects in the international application		
VIII   Certain observation	s on the international application	
O of cubrate at		
e of submission of the demand	Date of completion	of this report
08.2004	15.04.2005	
ne and mailing address of the internation		
European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523 Fax: +49 89 2399 - 4465		de la Palantina.
	Telephone No. +49	89 2399-8986



### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/00850

l. Basis	of the	he r	eport
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 With regard to the elements of the international application (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)):

		Description, Pages			
		1-21	as originally filed		
	(	Claims, Numbers			
	-	1-25	as originally filed		
Drawings, Sheets					
		<i>l</i> 5-5 <i>l</i> 5	as originally filed		
	: Wint	these elements were the language of a the language of put the language of a the language of a Rule 55.2 and/or 5 with regard to any nucle ternational preliminary contained in the international subsequents furnished subsequents of the statement that in the international at the statement of the s	guage, all the elements marked above were available or furnished to this Authority in the international application was filed, unless otherwise indicated under this item.  available or furnished to this Authority in the following language: , which is: translation furnished for the purposes of the international search (under Rule 23.1(b)).  ablication of the international application (under Rule 48.3(b)).  translation furnished for the purposes of international preliminary examination (under 5.3).  electide and/or amino acid sequence disclosed in the international application, the yexamination was carried out on the basis of the sequence listing:  ternational application in written form.  the international application in computer readable form.  ently to this Authority in written form.  the subsequently furnished written sequence listing does not go beyond the disclosure application as filed has been furnished.		
		The statement that listing has been furn	the information recorded in computer readable form is identical to the written sequence		
4.	The	ne amendments have resulted in the cancellation of:			
		the description, the claims, the drawings,	pages: Nos.: sheets:		



#### INTERNATIONAL PRELIMINARY **EXAMINATION REPORT**

International application No.

PCT/EP 03/00850

This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)). (Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; 1. Statement

Novelty (N) Yes: Claims 1-25

No: Claims

Inventive step (IS) Yes: Claims 1-25

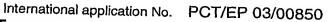
No: Claims

Industrial applicability (IA) Yes: Claims 1-25

No: Claims

2. Citations and explanations

see separate sheet



to section V.

- 1. The present invention relates to a device for routing data units in a network, to a method of controlling such a device, to a computer program for executing this method and a data carrier for storing this computer program, according to the features of the independent claims 1, 8, 15 and 16 respectively. The present invention further relates to a communication device for sending data units to a receiving communication device over a network, to a method of controlling such a sending communication device, to a computer program for executing this method and a data carrier for storing this computer program, according to the features of the independent claims 17, 20, 23 and 24 respectively. The present invention finally also relates to a method of sending data units over a network, according to the features of the independent claim 25.
- The cited documents in the international search report do not get closer to the subject-matter of the independent claims than the document already acknowledged by the applicant.
- 3. According to the features of the independent claims the inventive step consists in the special design of the device for routing data units in a network and the communication device for sending data units over such a network and the particular sequence of the steps of the associated methods. In particular an inventive step can be seen in that a congestion cause identifying unit capable of distinguishing between at least two different congestion causes, for identifying one or more causes of said congestion monitor detecting that said congestion condition is fulfilled, and the congestion notification unit being arranged for setting congestion cause information based on the one or more causes identified by said congestion cause identifying unit in said one or more data units in which congestion notification is set. A further inventive step can be seen in that the communication device for sending is arranged to extract congestion cause information contained in acknowledgement messages, and to adapt the operation of controlling the sending of data units in accordance with said congestion cause information.

The underlying concept is not disclosed in or rendered obvious by the cited prior art documents. The subject-matter of the independent claims thus fulfils the re-

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT - SEPARATE SHEET



quirements of Article 33 PCT.

4. The dependent claims contain further details on the subject-matter of the respective independent claims. These dependent claims merely limit the scope of protection sought by the independent claims and are therefore also considered to fulfil the requirements of Article 33 PCT.